

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **"Automated Diagnostic Analyzer and Method"** which was filed with the U.S. Patent and Trademark Office on **April 30, 1999** as **U.S. Serial No. 09/303,030**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a);

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### PRIOR FOREIGN APPLICATION(S)

Priority Claimed

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>yes</u>	<u>no</u>
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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GP095-02.UT

Prior U.S.A. Application(s)

60/083,927  
(Application Serial No.)

May 1, 1998  
(Filing Date)

Abandoned  
(Status - patented, pending, abandoned)

**POWER OF ATTORNEY:** I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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Kindly recognize as associate attorney(s):

CHARLES B. CAPELLARI, Reg. No. 40,837, CHRISTINE A. GRITZMACHER, Reg. No. 40,627, MICHAEL J. GILLY, Reg. No. 42,579, and PETER R. SHEARER, Reg. No. 28,117 at Gen-Probe Incorporated, Patent Department, 10210 Genetic Center Drive, San Diego, CA 92121.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

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GP095-02.UT

Full name of **first** inventor: Kelly G. Ammann

Inventor's signature Kelly G. Ammann Date 8 July 1999

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Inventor's signature Ralph E. Burns Date 8 July 1999

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Full name of **third** inventor: Ernest V. Hansberry

Inventor's signature Ernest V. Hansberry Date 8 July 1999

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Full name of **fourth** inventor: Glenn A. Horner

Inventor's signature Glenn A. Horner Date 7-12-1999

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Full name of **fifth** inventor: Cheryl A. Jakub

Inventor's signature Cheryl A. Jakub Date 8, July 1999

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